IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.24 OF 2007
IN
CRIMINAL APPEAL NO.1142 OF 2006

Monty @ Farookh Lalu Shaikh ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Ms.Mallika Ingle, adv. for the Applicant.
Mr.Rajesh More, APPP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 23rd January, 2007.

P.C.:

1. Heard Ms.Mallika Ingle for the applicant and Mr.Rajesh More, the learned APP for the State.

2. The applicant was convicted for the offences punishable under Sections 363, 366 and 376 of the I.P.C. and for the offence of kidnapping, he was awarded a R.I. of 3 years and to pay a fine of Rs.1,000/- while for the offence of rape, he was sentenced to undergo R.I. for 5 years and to pay a fine of Rs.1,500/-. He has preferred an appeal which is admitted. By this application, he seeks to be released on bail pending final hearing and disposal of the appeal.

3. According to the prosecution, the prosecutrix was aged less than 15 years when she was kidnapped by

the accused/applicant. He took her to Calcutta and got married with her. After the said marriage, they lived together for 3-4 months and then came to Bombay. After getting the information that the girl and the present accused were seen at particular place at Bombay, the parents of the prosecutrix approached there and thereafter, the present accused/applicant was arrested. The present applicant was on bail during the trial. The incident is more than 10 years old. The fact is that the prosecutrix had not made any report or complaint anywhere during the period of 3-4 months when she was living with him as his wife. According to the accused/applicant, there was love affair and she had left her parents' house and then they had married. Taking into consideration the circumstances, I find that it is a fit case to grant him bail.

4. Pending final hearing and disposal of the appeal, the applicant is granted bail on same terms and conditions as before the Trial Court subject to his furnishing fresh bail bonds and depositing the fine amount.

5. The application stands disposed off.

(J.H.Bhatia,J.)